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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,562

Applicant(s)

COHEN ET AL.

Examiner

Steven P Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41,44,46-48,53 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,12-23 and 30-41 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,24-29,44,46-48,53 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined. The amendment filed 6/24/05 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-11, 24-29, 44, 46-48, 53, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy (6615247) and Matsumoto et al (6763334) and van Duyne et al (6859784).

4. Regarding claim 1, Murphy shows a method for modifying the structure of a network accessible website based on the analysis of activity associated with the website (abstract, column 2 lines 37-63), including: monitoring activity associated with the website (column 3 lines 32-44), maintaining data representative of the activity and present structural relationships of the website for navigating to objects of interest (column 3 lines 40-55, column 4 lines 12-25), applying a set of rules to generate a recommendation (column 4 lines 32-42) to modify the structure of the website based on the recommendation (column 3 lines 50-65, column 4 lines 42-65, column 5 lines 5-16).

Art Unit: 2174

Note the rules include comparisons and resultant actions based on matches, and that the recommendation influences future user navigation). Murphy may not specifically show monitoring sequential user access navigating to objects of interest, but do show efficient monitoring of objects of interest on the web. Furthermore, Matsumoto et al show monitoring sequential user access navigating to objects of interest for efficient monitoring of an advertising object of interest on the web (column 2 lines 20-45, 55-60, column 5 lines 40-60). It would have been obvious to a person with ordinary skill in the art to monitor relationships and sequential user access navigating to objects of interest in Murphy, because it would provide efficient monitoring of an object of interest on the web. Neither Murphy nor Matsumoto et al specifically show that the monitoring is done for one specific website, and that the structural relationships that are modified are thus for objects of interest within that one site, but Murphy does mention monitoring a website to give efficient feedback. Furthermore, van Duyne et al shows monitoring for one specific website, and that the structural relationships that are modified are thus for objects of interest within that one site (column 2 lines 45-65, column 5 lines 50-67, column 7 lines 40-65, column 13 lines 30-45) to give efficient feedback. It would have been obvious to a person with ordinary skill in the art to have this in the system suggested by Murphy and Matsumoto et al, because it would provide an efficient way of giving feedback in a website monitoring system/

5. Regarding claim 2, the website includes a homepage, objects of interest, all being accessible by a network address which identifies the structure of the website (Murphy - inherent, column 3 lines 35-45, column 4 lines 50-60).

6. Regarding claim 3, the website is accessed via the address (Murphy column 3 lines 35-45), the structure data of the website is parsed to generate the present structure (Murphy column 3 lines 35-50), and the data representative of the presents structure is stored (Murphy column 4 lines 50-60). Links between objects of interest are identified (Murphy column 3 lines 20-40).

7. Claims 5-7 show the same features as claims 1-3 respectively and are rejected for the same reasons.

8. Regarding claim 8, the activity is comprised of user sessions, or user accesses, in which a user is identified and data associated with the session is stored (Murphy column 3 lines 15-20 and 39-50). The user access monitoring, as shown in Matsumoto et al and obvious as explained in Paragraph 4 of this Offcie Action, assembles the user accesses of a user in a user session (Matsumoto et al column 5 lines 35-61).

9. Regarding claim 9, the order and time of user accesses to the website objects of interest are retrieved (Murphy column 4 lines 42-60. The tracking provides the order and time).

10. Claims 10-11 show the same features as 8-9 respectively and are rejected for the same reasons.

11. Regarding claim 54, Murphy shows modifying the structural relationships between the objects of interest (column 3 lines 50-65, column 4 lines 42-65, column 5 lines 5-16). The obviousness for this to apply to the single website is explained in paragraph 4 of this Office Action.

12. Regarding claims 24-25, modifying the structural relationships is performed via human intervention based on the recommendations (Murphy column 4 lines 32-42).

13. Claims 26-29 show the same features as claims 8-11 respectively and are rejected for the same reasons.

14. Claims 44 shows the same features as claim 1 and is rejected for the same reasons.

15. Regarding claims 46-47, the object of interest may be single or plural network documents (Murphy column 2 lines 30-60).

Art Unit: 2174

16. Regarding claim 48, the user accesses may be automated (Murphy column 4 lines 42-60).

17. Regarding claim 53, a single data field representing the combined attributes of the objects of interest, structural relationships, and user access data is created (Murphy column 4 lines 32-42, column 5 lines 16-40).

18. Claims 4, 12-23, 30-41 are allowable over the prior art of record. These claims bring out additional features such as alias and page distance retrievals and processes, CLASS and other special structure creations, anomaly grouping, matrix creation, which combined in the claims are not set forth in the prior art of record.

19. Applicant's arguments filed have been fully considered but they are not persuasive. Examiner notes applicants' description of the invention and particularly the intention of the amendment. Applicants state on Remarks page 18 line 27-29 that applicants' invention "monitors user interaction and navigation within a website and makes recommendations for modifying links between objects of interest within the website..." but note that this language is not recited in the claims. Examiner understands the features that applicants are trying to bring out in their invention, and even how those features may stand up to the art of record, but the language currently recited is still broad enough to encompass navigating and accessing the functionality of

the objects of interest, i.e. navigating and accessing a website or program represented by, or as first signaled by, the objects of interest. Furthermore, the recitation regarding the recommendation is still broad, i.e. changing the structural relationship between objects may mean as what is brought out in Murphy, even as Murphy relates to customizing the website based on the user's inter-navigational history. Note though that Murphy anyway does discuss search and location keywords which may relate within the same site. In any case the customizing in Murphy is in fact for the goal of "influencing future user navigation." Applicants' representative is kindly invited to contact Examiner to discuss claim interpretation as well as possible claim language to fully bring out the features of the invention.

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



STEVEN SAX
Y EXAMINER